APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
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EXAMINER
BASHORE,W

ART UNIT	PAPER NUMBER
2776	9

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DATE MAILED: 07/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on _Apr 21, 2000_

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____ 3 ___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) _1-27_ _____ is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-27_ _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ 6 ___

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

1.   This action is responsive to communications: amendment filed on 4/21/2000 to the original

application filed on 4/10/1998. IDS filed on 7/19/1999. No priority or provisional filing date is claimed.

2   The rejection of claims 1-11, 13-20, 22-27 under 35 U.S.C. 103(a) as being unpatentable over

Mapedit and CompuWorks has been withdrawn as necessitated by amendment.

3.   The rejection of claims 12, 21 under 35 U.S.C. 103(a) as being unpatentable over Mapedit,

CompuWorks, and Carey has been withdrawn as necessitated by amendment.

4.   Claims 1-27 are pending in this case. Claims 1 and 5 are independent claims.

5.   The Examiner acknowledges applicant's submittal of the missing Macromedia reference copyright

page, but the Examiner cannot consider said reference (please see Response To Arguments).

Claim Rejections - 35 USC § 103

6.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter
> as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 1-11, 13-14, 17-20, 22-23, 26-27 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Mapedit Imagemap Editing Software (hereinafter Mapedit), Version 2.3 for

Windows 3.1, 1997 by Boutell.Com, Inc. URL: http://www.boutell.com/mapedit.

In regard to independent claim 1, Mapedit teaches image mapping of a selected file (please see Mapedit Figure 9 paragraph 1,2). Mapedit does not specifically teach the inputting of a graphic file containing layers. However, Mapedit teaches the saving of edited overlapping layered image regions (please see Mapedit Figures 17-19; compare with amended claim 1 "receiving an electronic artwork having a plurality of layers, each layer having transparency information"). It would have been obvious to one of ordinary skill in the art at the time of the invention to input said image mapped graphic, because of Mapedit's taught advantage of reopening and editing such files.

Mapedit teaches user selection of a layer (please see Mapedit Figures 17, 18; compare with amended claim 1 *"receiving from a user an input selecting one of the plurality of layers"*).

Mapedit teaches a method whereby areas of a graphic file are portioned, with a specific URL assigned to each portion so as to activate a URL when an area is selected (please see Mapedit Figures 4, 5, 10; compare with amended claim 1 *"...calculating a definition of an area corresponding to a boundary of the region, and assigning an action to the area, the action defining a function that is to be activated when the area is selected. "*).

In regard to dependent claim 2, Mapedit teaches a method of assigning a URL to a selected region (please see Mapedit Figure 5; compare with claim 2).

In regard to dependent claim 3, Mapedit teaches compositing of images (please see Mapedit Figure 17; compare with claim 3 *"compositing the layers of the artwork"*).

In addition, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (please see Mapedit Figure 16; compare with claim 3 *"converting the area and the action to a target output format."*).

In regard to dependent claim 4, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (please see Mapedit Figure 16; compare with claim 4).

In regard to independent claim 5, claim 5 reflects the computer program product comprising computer readable instructions used for implementing the methods as claimed in amended claim 1, and is rejected as such.

In regard to dependent claim 6, Mapedit teaches a method of creating a polygon-shaped area on a graphics file by creating boundaries via a mouse, said boundaries created until an enclosed polygon is created (please see Mapedit Figure 10; compare with claim 6 *"calculating a boundary of the non-transparent region"*).

In addition, Mapedit teaches a method whereby the area within said enclosed polygon reverses color when subsequently activated via said mouse (please see Mapedit Figures 5, 12; compare with claim 6 *"calculate a definition of the area from the boundary."*).

In regard to dependent claims 7 and 8, claims 7 and 8 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 3 and 4, and are rejected as such.

In regard to dependent claim 9, Mapedit teaches a method whereby a mapped image is

presented (please see Mapedit Figure 17). Mapedit does not specifically teach the saving of a composited

image as an image file. However, since Mapedit teaches the presentation and saving of an image with

different mapped layers, with both said image and said layers reproducible within the Mapedit editor

environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to

save said layers as an image file, because of Mapedit's taught advantage of the presentation and saving of

layers with images.

In addition, Mapedit teaches a method of saving an HTML file including an associated graphics

file and a hotspot with associated URLs (see Mapedit Figures 2, 16; compare with claim 9 lines 4-6).

In regard to dependent claim 10, claim 10 incorporates substantially similar subject matter as

claimed in amended claim 1, and is rejected as such.

In regard to dependent claim 11, Mapedit teaches a method of an image map, whereby a

selected region is selected, resulting in an action mapped from said region corresponding to a portion of an

image (please see Mapedit Figure 17; compare with claim 11).

In regard to dependent claim 13, Mapedit teaches the calculation of dynamic content for a

selected layer before the area is calculated, since it is well known that currently edited information is

considered dynamic information until saved, Mapedit's calculation and formulation of hotspots is based

upon dynamic content, prior to saving.

In regard to dependent claim 14, Mapedit teaches a method whereby an image contains a non-transparent, as well as transparent layers within an image (please see Mapedit Figure 17; compare with claim 14 *"the selected layer has one or more non-transparent regions in a transparent frame"*).

Mapedit teaches a non-transparent region defining a hot spot region (please see Mapedit Figures 17, 18; compare with claim 14 *"the non-transparent region or regions in combination define the area."*).

In regard to dependent claim 17, Mapedit teaches a method whereby a hole is created subsequent to the creation of three imagemap shapes, said hole can be ignored by selecting delete from the default URL box so that no action is performed subsequent to the activation of said hole (please see Mapedit Figure 15; compare with claim 17).

In regard to dependent claim 18, Mapedit teaches a method whereby a hole is created subsequent to the creation of three imagemap shapes, said hole is designated as a hotspot region by selecting a default URL from the default URL box so that an action is performed subsequent to the activation of said hole (please see Mapedit Figure 15; compare with claim 18 *"separate regions having no holes are created if the region has holes"*).

In addition, Mapedit teaches a method whereby the imagemaps created during a user session, including default regions (holes), are collectively used to define an imagemap of a graphical image (see Mapedit Figure 15; compare with claim 18 *"the separate regions in combination contribute to the definition of the area."*).

In regard to dependent claims 19-20, 22-23, 26-27, claims 19-20, 22-23, 26-27 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 10-11, 13-14, 17-18, and are rejected as such.

8.   **Claims 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claims 1 and 5 above, and further in view of Carey et al. (hereinafter Carey), U.S. Patent No. 5,977,978 issued November 1999.**

In regard to dependent claim 12, Mapedit teaches a method whereby areas of edited graphic file are portioned with a specific URL assigned to each bounded portion so as to activate a URL when an area is selected, said area of bounded portion displayed in reverse color when activated (see Mapedit Figures 4, 5, 10). Mapedit does not specifically teach a method of conforming the area automatically to content of the selected layer subsequent to editing of said layer. However, Carey discloses a method of authoring graphic scenes whereby a 3D object is placed within a predetermined drop zone, resulting in said object automatically scaled to fit within the bounding box dimensions of said drop zone (see Carey column 3 lines 44-50; compare with claim 12 *"conforming the area automatically to content of the selected layer"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Carey to the method of Mapedit, because of Carey's taught advantage of scaling, providing increased image placement efficiency to the the edited imagemap method as taught by Mapedit.

In regard to dependent claim 21, claim 21 reflects the computer program product comprising computer readable instructions used for implementing the method as claimed in claim 12, and is rejected as such.

9.   **Claims 15-16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claims 1 and 5 above, and further in view of Nielsen, U.S. Patent No. 5,991,781 issued November 1999.**

In regard to dependent claim 15, claim 15 incorporates substantially significant subject matter as claimed in claim 14, and in further view of the following, is rejected as such.

Mapedit teaches multiple hot spot regions within an image (please see Mapedit Figure 5; compare with claim 15 *"the selected layer has two or more non-contiguous"*, and *"...in a transparent frame"*). Mapedit does not specifically teach the inclusion of two or more non-transparent regions. However, Nielsen teaches at least two non-transparent regions (please see Nielsen Figures 1b, 11; compare with claim 15 *"...non-transparent..."*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Nielsen to the method of Mapedit, because of Nielsen's taught advantage of non-transparent images, providing an alternate way to show regions within an image.

In addition, Mapedit teaches multiple hot spot regions within an image, said regions can encompass the entire image (please see Mapedit Figure 5; compare with claim 15 *"the non-transparent regions in combination define the area."*).

In regard to dependent claim 16, claim 16 incorporates substantially significant subject matter as claimed in claim 15, and in further view of the following, is rejected as such.

Mapedit teaches a method whereby multiple image maps can be defined in different areas of an image (see Mapedit Figure 4; compare with claim 16 line 2, *"generating multiple image maps"*).

In regard to dependent claims 24-25, claims 24-25 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 15-16, and are rejected as such.

Response to Arguments

10.   Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection. However, the Examiner will respond to Applicant's arguments.

The Examiner acknowledges and thanks Applicant for submittal of the missing Macromedia reference copyright page. However, the Examiner was hoping that the Macromedia copyright date on Applicant's PTO-1449 form (5/1998) was a misprint (as is sometimes the case), but the submitted pages proves that Macromedia does not represent prior art, since the copyright date (5/1998) is after the filing date of Applicant's invention (4/10/1998). Accordingly, the submitted art has been placed in the case file, but the Examiner cannot consider said reference for the reasons previously mentioned.

Applicant argues on p.2 of the amendment that Mapedit does not teach or suggest "receiving an electronic artwork having a plurality of layers, each layer having transparency information". The Examiner respectfully notes that the term "electronic artwork" is subjective, it can represent any electronic graphic image. Mapedit adds a number of hotspot regions to an existing inputted graphic image. These hotspot

regions can be visibly revealed along with said image. Moreover, Mapedit saves this mapping along with

the image and corresponding HTML document. When this file is retrieved in the editor, the visible mapped

regions are preserved, providing the user with lovely artwork containing layered regions.

Applicant further argues on p.2 that once an image is in the GIF, JPEG or PNG format "the

original layer information is lost. The Examiner notes that edited layer information is preserved when the

user saves the edited image. As a user reopens said HTML page and corresponding image, its imagemaps

are reopened as well, providing the user with artwork containing layered regions for further editing.

In addition, Applicant argues on pp.2-3 that Mapedit is "silent about calculating a definition of an

area corresponding to a boundary of the region because the user designates the size, shape and position of

the hotspot". The Examiner notes that Mapedit indeed requires human intervention to create a hotspot.

However, to do so requires the user to only define the boundaries of a particular layer. Once the boundaries

are outlined with a polygon, Mapedit automatically calculates the area within the created polygon (a layer

on an image) as an area devoted to a hotspot region.

Applicant's arguments regarding the secondary reference CompuWorks is now mute. The

Examiner has withdrawn CompuWorks because he feels the relevant rejections involving CompuWorks

are taught by Mapedit, including selection of transparent regions, rendering CompuWorks unnecessary.

For claims 14-16 and 23-25, the Examiner has introduced a new secondary reference Nielsen, to teach the

limitation of more then one non-transparent regions. Cary is retained by the Examiner because it teaches

the resizing of an object to fit the outer boundaries of an image.

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is

mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the date of this final action.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to disclosure.

Wistendahl et al.	U.S. Patent No. 5,708,845	issued	January	1998
Nation	U.S. Patent No. 5,983,244	issued	November	1999

13.   Any inquiry concerning this communication or earlier communications from the examiner
should be directed to William Bashore whose telephone number is **(703) 308-5807**. The
examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Michael Razavi, can be reached on **(703) 305-4713**. The fax number to this art unit is
(703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is **(703) 305-3900**.

14.   **Any response to this action should be mailed to:**

Application/Control Number: 09/058,496

Art Unit: 2776

Page 12

Commissioner of Patents and Trademarks
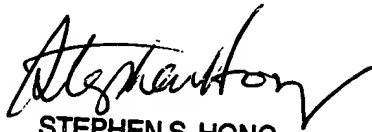Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)
or:

(703) 305-9724 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

STEPHEN S. HONG
PRIMARY EXAMINER

W.L.B.
6/20/2000